

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FT. PIERCE DIVISION

CASE NO. 24-14336-CIV-MARTINEZ/MAYNARD

DANIEL PORTER, individually, and
MARITIME RESEARCH & RECOVERY, LLC,

Plaintiffs/Counterclaim Defendants,

v.

CARL ALLEN, individually, and
ALLEN EXPLORATION, LLC,

Defendants/Counterclaim Plaintiffs.

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DEFENDANTS' SECOND NOTICE OF NINETY DAYS EXPIRING

Pursuant to Local Rule 7.1(b)(4), Defendants/Counterclaim Plaintiffs Carl Allen and Allen Exploration, LLC ("AEX"), by their undersigned counsel, hereby file their a "Notice of Ninety Days Expiring." This filing notifies the Court of motions filed by Defendants that have been pending for nearly 90 days and more than 90 days (as indicated in Defendants' First Notice of Ninety Days Expiring [DE 30]).

A. The following motion filed by Defendants have been pending and fully briefed with no hearing set for almost 90 days:

1. Defendants' Motion for Leave to File a Sur-Reply
 - a. Defendants' Motion for Leave to File a Sur-Reply to Plaintiffs' Reply Memorandum in Support of their Motion to Disqualify Counsel [DE 20] attaching a proposed Surreply Memorandum [DE 23] was filed and electronically served on **November 25, 2024**.
 - b. Plaintiffs' Response in Opposition to Defendants' Motion for Leave to File a Sur-Reply [DE 24] was filed and electronically served on **November 25, 2024**.

- c. Defendants' Reply to Plaintiffs' Response in Opposition to Defendants' Motion for Leave to File a Sur-Reply [DE 25] was filed and electronically served on **December 1, 2024**.
- d. No hearing was held on Defendants' motion.

B. The following motions have been pending and fully briefed with no hearing set for more than 90 days:

- 1. Defendants' Motion for Admission *Pro Hac Vice* of David G. Concannon, Esq.
 - a. Defendants' Motion to Appear *Pro Hac Vice*, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing [DE 10] was filed and electronically served on **October 20, 2024**.
 - b. Plaintiffs' Opposing Memorandum of Law in accordance with Local Rule 7.1(c)(1) was due on **November 4, 2024**. **Plaintiffs never filed an opposing memorandum in accordance with the Court's Local Rules.**
 - (1) Instead, on October 30, 2024, Plaintiffs filed and electronically served a "Verified Motion to Object to Attorney David Concannon's Motion to Appear *Pro Hac Vice* or Alternatively, to Disqualify Him and Request for Hearing" [DE 15].
 - (2) Defendants filed and electronically served their Memorandum in Opposition to Plaintiffs' "Verified Motion to Object to Attorney David Concannon's Motion to Appear *Pro Hac Vice* or Alternatively, to Disqualify Him and Request for Hearing" [DE 18] on November 12, 2024.
 - (3) Plaintiffs filed and electronically served a Reply Memorandum in Response to Motion to Disqualify Counsel [DE 20] on November 19, 2024.
 - (4) Defendants filed and electronically served a Motion for Leave to File a Sur-reply to Plaintiffs' Reply Memorandum in support of their Motion to Disqualify Counsel [DE 20] attaching a proposed Surreply Memorandum, [DE 23], on November 25, 2024.
 - c. No hearing was held on any of these motions.
- 2. Defendants' Motion to Transfer Venue
 - a. On **October 23, 2024**, Defendants filed and electronically served their Motion to Transfer this Action pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the Northern District of Texas, Dallas Division [DE 12].

- b. On **October 28, 2024**, Plaintiffs filed and electronically served their “Response to Defendant’s [sic] Motion to Transfer Venue[,] Request for Hearing, and Memorandum of Law” [DE 13].
- c. On **November 4, 2024**, Defendants filed and electronically served their Reply Memorandum in Support of Motion to Transfer Venue [DE 17].
- d. No hearing was held on Defendants’ motion.

Dated this the 19th day of February, 2025

Respectfully submitted,

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By: /S/ Christopher F. Lanza
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true a correct copy of the foregoing was filed with the Court's CM/ECF electronic filing system on February 19, 2025, and that the foregoing document is being served this day on all counsel of record via the transmission of Notices of Electronic Filing generated by CM/ECF and/or electronic mail and unrepresented parties will be served by U.S. Mail or by other methods permitted by the Federal Rules of Civil Procedure.

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